

Corey M. Pollak (SBN 292812)
Steven L. Pollak (SBN 67162)
POLLAK LAW, LLP
700 El Camino Real, Suite 201
Millbrae, CA 94030
Telephone: (650) 583-5500
Facsimile: (650) 583-8766
corey@pollaklaw.com; spollak@pollaklaw.com

FILED
JUL 11 2019
UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

Attorneys for Creditor HOEM AND ASSOCIATES INC.

**UNITED STATES BANKRUPTCY COURT
NORTHER DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re

PG&E CORPORATION

and

**PACIFIC GAS AND ELECTRIC
COMPANY,**

Debtors.

Bankruptcy Cases:
19-30088-DM (Lead Case)
19-30089-DM

(Jointly Administered)

AMENDED NOTICE OF CONTINUED
PERFECTION OF MECHANIC'S LIEN AND
INTENTION TO ENFORCE MECHANIC'S
LIEN PURSUANT TO 11 U.S.C. §546(b)(2)

1. HOEM AND ASSOCIATES INC. by and through its undersigned counsel, gives notice of continued perfection of its mechanic's lien and intention to enforce mechanic's lien pursuant to 11 U.S.C. §645(b)(2) as follows:
2. Prior to Debtor's Bankruptcy Petition, HOEM AND ASSOCIATES INC., as subcontractor, entered into a contract with Turner Construction Company, as general contractor, to provide labor, services, equipment, and/or materials for a work of improvement on the real property located at 4940 Allison Parkway, Vacaville, County of Solana, State of California, 95688, identified as 32075 PG&E VCOV GRID SUPPORT BLDG 4, with an assessor's

1 parcel number of 0133-330-300 (the "Property") owned by the Debtors PG&E, or Pacific
2 Gas and Electric Company.

- 3 3. The principal sum, exclusive of interest, attorney's fees and costs, and other charges, that is
4 currently due and owing to HOEM AND ASSOCIATES INC. is \$17,521.40.
- 5 4. A mechanic's lien claimant who provided labor and materials prepetition to a debtor in
6 bankruptcy can record a mechanic's lien after the debtor property owner files for
7 bankruptcy without violating the automatic stay. 11 U.S.C. §362(b)(2).
- 8 5. On June 14, 2019, HOEM AND ASSOCIATES INC. perfected its Mechanic's Lien under
9 California Code §§8400, et seq. by timely recording its Mechanic's Lien in the Official
10 Records of Solano County, State of California, as more fully described in its Mechanic's
11 Lien recorded as Document Number 201900037607.
- 12 6. On July 10, 2019 HOEM AND ASSOCIATES INC. recorded an Amended Mechanic's
13 Lien as Document Number 201900044152, a true and correct copy of which is attached
14 hereto as Exhibit A and incorporated herein by reference.
- 15 7. Under California Civil Code §8460, a mechanic's lien claimant must commence an action
16 to enforce a lien within 90 days after recordation of the claim of lien.
- 17 8. The automatic stay pursuant to 11 U.S.C. §362 precludes HOEM AND ASSOCIATES
18 INC. from filing a state court action to enforce its Mechanic's Lien. However, Bankruptcy
19 Code §546(b)(2) states that when applicable law requires seizure of property or
20 commencement of an action to perfect, maintain, or continue the perfection of an interest in
21 property, and the property has not been seized or an action has not been commenced before
22 the bankruptcy petition date, then the claimant shall instead give notice within the time
23 fixed by law for seizing the property or commencing the action. *See In re Baldwin*
24 *Builders* 232 B.R. 406, 410-411.
- 25
26
27
28

1 9. Accordingly, HOEM AND ASSOCIATES INC. hereby provides notice of its rights as
2 perfected lienholder and continued intention to enforce the lien on the Property pursuant to
3 California's mechanic's lien law. HOEM AND ASSOCIATES INC. is filing and serving
4 this notice to preserve, perfect, maintain, and continue the perfection of its lien and its
5 rights in the Property to comply with the requirements of California state law, 11 U.S.C.
6 362(a), 362(b)(3), and 546(b)(2) and any other applicable law.

7
8 10. This notice constitutes the legal equivalent of having timely commenced an action for
9 foreclosure the Mechanic's Lien in the proper court. By this notice, the Debtors and other
10 parties in interest are estopped from claiming that the lawsuit to enforce HOEM AND
11 ASSOCIATES INC.'s Mechanic's Lien was not timely commenced pursuant to applicable
12 state law. HOEM AND ASSOCIATES INC. intends to enforce its rights under the
13 Mechanic's Lien to the fullest extent allowed under the law.

14 11. HOEM AND ASSOCIATES INC. requests that it be provided notice upon the lifting of the
15 automatic stay pursuant to 11 U.S.C. §362.

16
17 Dated: 7/10/19

POLLAK LAW, LLP

18
19 
20 Corey M. Pollak, Attorney for Creditor
21 HOEM AND ASSOCIATES INC.
22
23
24
25
26
27
28

EXHIBIT A

RECORDING REQUESTED BY:

Corey M. Pollak, Esq.

WHEN RECORDED MAIL TO:

Corey M. Pollak, Esq.

700 El Camino Real, Suite 201

Millbrae, CA 94030

Recorded In Official Records,
Solano County
Doc#: 201900044152
7/10/2019 8:08:32 AM

THIS SPACE FOR RECORDER'S USE ONLY

APN: 0133-330-300

(Amended) Mechanics Lien

TITLE OF DOCUMENT

Real property at:
4940 Allison Parkway
Vacaville, CA 95688

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(Additional Recording Fee Applies)
(Govt. Code 27361.6)

cover sheet recorders.doc

**Recording Requested By And
When Recorded Return To:**

Corey M. Pollak, Esq.
POLLAK LAW, LLP
700 El Camino Real, Suite 201
Millbrae, CA 94030
Telephone: 650-583-5500

AMENDED MECHANIC'S LIEN

This Amended Mechanic's Lien amends the Mechanic's Lien recorded on June 14, 2019 in the Official Records of Solano County, California as Document Number 201900037607, *to change Lien amount.*

Claimant HOEM & ASSOCIATES INC., whose address is 951 Linden Ave., South San Francisco, Ca 94080, claims a Mechanics Lien on the real property, including works of improvement located thereon, street address described as 4940 Allison Parkway, Vacaville, CA 95688, project name described as Vacaville Critical Operations Facility (VCOC) Building 1, and APN: 0133-330-300 (the "Subject Real Property").

Claimant claims a Mechanics Lien for the sum of Nine Thousand Four Hundred Sixty Seven Dollars and Thirty Cents (\$9,467.30), plus interest at the applicable rate from the applicable due dates, all of which is due and unpaid to Claimant after deducting all just credits and offsets for labor, equipment, and materials furnished by Claimant at the request of, and under contract with Contractor(s) and/or Reputed Contractor(s) TURNER CONSTRUCTION COMPANY whose address is below, and consisting of labor, services, equipment, and/or materials for floor covering and ancillary services for the Subject Real Property site improvements, building, and structure, and other related work described in the Subcontract Agreement and done on, and for the benefit of, the Subject Real Property. The reasonable value of Claimant's work on the Subject Real Property is the sum of Ninety Four Thousand Six Hundred Seventy Three Dollars and Zero Cents (\$94,673.00); Claimant has been paid the sum of Eighty Five Thousand Two Hundred Five Dollars and Seventy Cents (\$85,205.70); Claimant is owed the sum of Nine Thousand Four Hundred Sixty Seven Dollars and Thirty Cents (\$9,467.30).

The Owner(s) and/or Reputed Owner(s) of the Subject Real Property is/are:

PACIFIC GAS AND ELECTRIC COMPANY
245 Market Street, San Francisco, CA 94111

77 Beale Street, 24th Floor, San Francisco, CA 94105

Agent for Service of Process: Linda Y.H. Cheng
77 Beale Street, 24th Floor, San Francisco, CA 94105

The Direct Contractor(s) and/or Reputed Direct Contractor(s) of the Subject Property is/are:

TURNER CONSTRUCTION COMPANY
1211 H Street, Sacramento, CA 95814

375 Hudson Street, 6th Floor, New York, NY 10014

Agent for Service of Process: CT Corporation System
818 West Seventh Street, Suite 930, Los Angeles, CA 90017

The Construction Lender(s) and/or Reputed Construction Lender(s) of the Subject Real Property is/are:

N/A, Owner Financed

Dated: July 2, 2019

Hoem and Associates Inc.

By: 

Name: Sean Hogan

Title: President

NOTICE OF MECHANICS LIEN: ATTENTION!

Upon the recording of the enclosed MECHANICS LIEN with the county recorder's office of the county where the property is located, your property is subject to the filing of a legal action seeking a court-ordered foreclosure sale of the real property on which the lien has been recorded. That legal action must be filed with the court no later than 90 days after the date the mechanics lien is recorded.

The party identified in the enclosed mechanics lien may have provided labor or materials for improvements to your property and may not have been paid for these items. You are receiving this notice because it is a required step in filing a mechanics lien foreclosure action against your property. The foreclosure action will seek a sale of your property in order to pay for unpaid labor, materials, or improvements provided to your property. This may affect your ability to borrow against, refinance, or sell the property until the mechanics lien is released.

**BECAUSE THE LIEN AFFECTS YOUR PROPERTY, YOU MAY WISH TO
SPEAK WITH YOUR CONTRACTOR IMMEDIATELY, OR CONTACT AN**

ATTORNEY, OR FOR MORE INFORMATION ON MECHANICS LIENS GO TO
THE CONTRACTORS' STATE LICENSE BOARD WEB SITE AT
www.cslb.ca.gov.

VERIFICATION

I, Sean Hogan, declare that I am President of Hoem and Associates Inc., the claimant herein, and that I am authorized to make this verification for and on behalf of said claimant, and I make this verification for that reason. I have read the MECHANICS LIEN and know the contents thereof, and the same is true and contains among other things, a correct statement of the demands of Claimant, after deducting all just credits and offsets. I declare under penalty of perjury that the forgoing is true and correct and that this Declaration was executed on July 2, 2019 at South San Francisco, California.

Hoem and Associates Inc.

By: 

Name: Sean Hogan

Title: President

//notary acknowledgment form on following page//

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Mateo

On July 2, 2019 before me, Katherine M. Zurawski ^{Notary Public}
(insert name and title of the officer)

personally appeared Sean Hogan
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he she they executed the same in his her their authorized capacity(ies), and that by his her their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

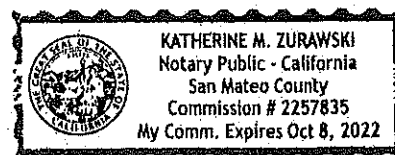
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Katherine M. Zurawski
Notary Public

(Seal)



PROOF OF SERVICE AFFIDAVIT
California Civil Code §8416

I, Editha C. Restauero, declare that I am employed with the Pollak Law, LLP, whose address is 700 El Camino Real, Suite 201, Millbrae, CA 94030; I am not a party to the within cause; I am over the age of eighteen years and am familiar with the business practices of the Pollak Law, LLP.

I further declare that on the date hereof I served a copy of the attached MECHANICS LIEN and NOTICE OF MECHANIC'S LIEN, certified mail and first-class mail, evidenced by a certificate of mailing, postage prepaid, addressed to the following party(ies), as listed below:

The Owner(s) and/or Reputed Owner(s) of the Subject Real Property is/are:

PACIFIC GAS AND ELECTRIC COMPANY

245 Market Street, San Francisco, CA 94111

77 Beale Street, 24th Floor, San Francisco, CA 94105

Agent for Service of Process: Linda Y.H. Cheng
77 Beale Street, 24th Floor, San Francisco, CA 94105

The Direct Contractor(s) and/or Reputed Direct Contractor(s) of the Subject Property is/are:

TURNER CONSTRUCTION COMPANY

1211 H Street, Sacramento, CA 95814

375 Hudson Street, 6th Floor, New York, NY 10014

Agent for Service of Process: CT Corporation System
818 West Seventh Street, Suite 930, Los Angeles, CA 90017

The Construction Lender(s) and/or Reputed Construction Lender(s) of the Subject Real Property is/are:

N/A, Owner Financed

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed at Millbrae, California, this 10 day of July 2019.


Editha C. Restauero

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6

**Amended Notice of Continued Perfection of Mechanic's Lien and Intention to Enforce
Mechanic's Lien Pursuant to 11 U.S.C. §546(b)(2)**

[] (BY FACSIMILE) I personally sent to the addressee's telecopier number a true copy of the above-described document(s).

[] (BY PERSONAL SERVICE) I personally delivered a true copy of the above-described document(s) to the person and at the address as set forth below.

Peter J. Benvenutti
Keller & Benvenutti LLP
650 California Street, 19th Floor
San Francisco, CA 94108
Attorney for Debtor

OFFICE OF THE UNITED STATES TRUSTEE
Attn: Lynette C. Kelly
Timothy S. Laffredi
Marta Villacorta
450 Golden Gate Avenue
5th Floor, #05-0153
San Francisco, CA 94102

1 Turner Construction Corporation
1211 H Street
2 Sacramento, CA 95814

3 Turner Construction Corporation
375 Hudson Street, 6th Floor
4 New York, NY 10014

5 Turner Construction Corporation
Agent for Service of Process: CT Corporation System
6 818 West Seventh Street, Suite 930
Los Angeles, CA 90017
7

8 I declare under penalty of perjury under the laws of the State of California that the above is true and
9 correct. Executed on July 10, 2019, at Millbrae, California.

10
11 
12 _____
Editha C. Restauro
13
14
15
16
17
18
19
20
21
22
23
24
25
26